

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Toby Freyman, Timothy J. Mickley, Maria J. Palasis, Wendy Naimark</b>
<b>Application No.:</b>	<b>10/645653</b>
<b>Filed:</b>	<b>August 20, 2003</b>
<b>For:</b>	<b>Medical Device with Drug Delivery Member</b>
<b>Examiner:</b>	<b>Catherine Witzak</b>
<b>Group Art Unit:</b>	<b>2855</b>

Mail Stop AE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-14157-US01

## TRANSMITTAL LETTER

- In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached:  
**2 page Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; 2 page Pre-Appeal Brief Request for Review; 3 page Reasons for Pre-Appeal Request for Review; 1 page Petition for an Extension of Time.**
- With respect to fees:
  - ☐ No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
- CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
- Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.
- Certification:** I hereby certify that this Transmittal Letter and the paper(s) as described herein are being transmitted electronically to the USPTO on September 29, 2008.

Respectfully submitted,

VIDAS, ARRETT &amp; STEINKRAUS

Date: September 29, 2008

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